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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,630

06/24/2003

Joseph B. Agusta

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08/03/2009

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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,630	<b>Applicant(s)</b> AGUSTA, JOSEPH B.	
	<b>Examiner</b> QUYNH H. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29, 31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29, 31, and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's amendment filed 05/26/09 has been entered. Claims 29, 31, and 33 have been amended. No claims have been cancelled. No claims have been added. Claims 29, 31, and 33 are still pending in this application, with claims 29, 31, and 33 being independent.

#### ***Claim Rejections - 35 USC § 101***

3. Claim 33 is rejected under 35 U.S.C. 101 because the claimed invention falls outside of the statutory categories. Claim 33 recites "Computer program code..." and computer program code is software per se is neither a "product" nor a "process" in a statutory sense. The aforementioned intrinsic evidence in the specification suggests that the full scope of the claimed method encompasses nothing more than software and is therefore non-statutory for that reason. Furthermore, a practical application exists if the *result* of the claimed invention is "useful, concrete and tangible". Thus, computer program code would not provide a tangible result.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29, 31, and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 29 and 31 recite a computerized server, however, the original disclosure does not disclose a computerized server, would one of ordinary skill in the art be able to make and use the invention without undue experimentation. Similarly, claims 31 and 33 disclose computer readable medium, however, the original disclosure does not disclose computer readable medium.

***Claim Rejections - 35 USC § 103***

5. Claims 29, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. (US Patent 6,163,607) in view of Brooks et al. (U.S. Patent. 5,825,869).

Regarding claims 29 and 31, Bogart teaches a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks (abstract; col. 4, lines 51-57), comprising:

(a) receiving a task at a server operating within the service center (col. 4, lines 25-26 - *calls incoming to the call center on lines or trunks*);

(b) preparing task for service by determining the agent skill set that would be best suited for responding to the task (col. 4, lines 25-29);

(d) determining from the skill table of available agents all agents qualified to service the task (col. 7, lines 6-9);

(e) selecting an agent least qualified to service the task from the agents determined to be qualified to service the task (col. 7, lines 52-54). Selecting an agent least qualified to service the task from agents determined to be qualified to service the task is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents determined to be qualified to service the task is also well known. For example, if agent A1 speaks English and Spanish, agent A2 speaks only English, a task needs to be serviced is English then one would select agent A2 with a minimum qualification level to service the task and reserving agent A1 for next task that needs a Spanish speaking agent.

Bogart does not explicitly teach building a skill table of all available agents having skills at least partially matching the determination of skills needed to service the task in step a, wherein the skill table is organized by skill sets that include all skills possessed by the agents; and servicing the task by the selected agent utilizing at least a portion of the skills listed in the skill table.

Brooks teaches building a skill table of all available agents having skills at least partially matching the determination of skills needed to service the task in step a (col. 9, lines 11-14), wherein the skill table is organized by skill sets that include all skills possessed by the agents (col. 9, lines 17-65); and servicing the task by the selected

agent utilizing at least a portion of the skills listed in the skill table (col. 9, lines 55-62 - *agent has skill A, B, and C and skill C only needed to service the task*).

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Brooks into the teachings of Bogart for the purpose of having a more efficient system by determining the skills required to service the task, an agent table is built including agents having skills required to service the task. Organizing skill table by skill sets would advantage in quickly determining agents with skills possessed needed to service the task.

Claim 33 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bogart teach computer program code embodied in a storage medium for controlling a computer to assign tasks to agents (col. 3, lines 53 through col. 4, line 25).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 29, 31, and 33 have been fully considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to the 101 rejections of claim 33 have been considered and are not persuasive. Computer program code is software per se and not fall within any of the statutory categories.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-

272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614